

the sender. Communications with respect thereto should be addressed to the Director, U.S. Secret Service, Department of the Treasury, Washington, DC 20223.

PART 101—MITIGATION OF FORFEITURE OF COUNTERFEIT GOLD COINS

Sec.

- 101.1 Purpose and scope.
- 101.2 Petitions for mitigation.
- 101.3 Petitions reviewed by Assistant Secretary, Enforcement, Operations, Tariff Affairs.
- 101.4 Extraction of gold bullion from the counterfeit coins.
- 101.5 Payment of smelting costs.
- 101.6 Return of the bullion.
- 101.7 Exceptions.
- 101.8 Discretion of the Secretary.

AUTHORITY: 18 U.S.C. 492.

SOURCE: 42 FR 1472, Jan. 7, 1977, unless otherwise noted.

§ 101.1 Purpose and scope.

The purpose of this part is to establish a policy whereby certain purchasers or holders of gold coins who have forfeited them to the United States because they were counterfeit may, in the discretion of the Secretary of the Treasury, recover the gold bullion from the coins. This part sets forth the procedures to be followed in implementing this policy.

§ 101.2 Petitions for mitigation.

(a) *Who may file.* Any person may petition the Secretary of the Treasury for return of the gold bullion of counterfeit gold coins forfeited to the United States, if:

- (1) The petitioner innocently purchased or received the coins and held them without the knowledge that they were counterfeit; and,
- (2) The petitioner voluntarily submitted the coins to the Treasury Department for a determination of whether they were legitimate or counterfeit; and,
- (3) The coins were determined to be counterfeit and were seized by the Treasury Department and forfeited to the United States.

(b) *To whom addressed.* Petitions for mitigation of the forfeiture of counter-

feit gold coins should be addressed to the Assistant Secretary, Enforcement, Operations, Tariff Affairs, Department of Treasury, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

(c) *Form.* The petition need not be in any particular form, but must be under oath, and set forth at least the following:

- (1) The full name and address of the petitioner;
- (2) A description of the coin or coins involved;
- (3) The name and address of the person from whom the coins were received or purchased by the petitioner;
- (4) The date and place where they were voluntarily submitted for examination;
- (5) Any other circumstances relied upon by the petitioner to justify the mitigation;
- (6) A statement that the petitioner purchased or received and held the coins without the knowledge that they were counterfeit.

§ 101.3 Petitions reviewed by Assistant Secretary, Enforcement, Operations, Tariff Affairs.

(a) The Assistant Secretary will receive and review all petitions for mitigation of the forfeiture of counterfeit gold coins. He shall conduct such further investigation, and may request such further information from the petitioner as he deems necessary. Petitions will be approved if the Assistant Secretary determines that:

- (1) The gold coins have not been previously disposed of by normal procedures;
- (2) The petitioner was an innocent purchaser or holder of the gold coins and is not under investigation in connection with the coins at the time of submission or thereafter;
- (3) The coins are not needed and will not be needed in the future in any investigation or as evidence in legal proceedings; and
- (4) Mitigation of the forfeiture is in the best interest of the Government.

§ 101.4 Extraction of gold bullion from the counterfeit coins.

If the petition is approved, the Assistant Secretary shall then forward the gold coins to the Bureau of the